

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERALD WALKER,

Plaintiff,

-against-

VELEZ,

Defendant.

24-CV-1072 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

On February 9, 2024, the court's Clerk's Office received a filing from Plaintiff that appeared to be a new civil action. (*See* ECF 1.) The Clerk's Office opened the submission as a complaint in a new action and assigned it docket number 24-CV-1072. This submission, however, also was filed in Plaintiff's pending action before the Honorable Vincent L. Briccetti of this court, *see Walker v. Capra*, No. 22-CV-7638 (VB) (Doc. No. 46).

Accordingly, the Court concludes that this action was opened in error and directs the Clerk of Court to close it administratively. The Court further directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

SO ORDERED.

Dated: March 12, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge